

REMARKS**I. Summary of the Office Action**

In the Office Action mailed February 9, 2006, the Examiner rejected claims 1, 3-11, and 13-19 under 35 U.S.C. § 103(a) as being allegedly unpatentable over U.S. Pat. Publication No. 2004/0244001 A1 ("Haller") in view of U.S. Pat. Publication No. 2006/0003775 A1 ("Bull"). The Examiner also rejected claims 2 and 12 as being allegedly unpatentable over Haller in view of Bull as applied to claims 1 and 10 and in further view of U.S. Pat. Publication No. 2003/0119512 ("Nakashima").

The present Response is intended to be fully responsive to the rejections raised by the Examiner and is believed to place the Application in condition for allowance. Further, Applicants do not concede any of the Examiner's comments not particularly addressed. Applicants respectfully request favorable reconsideration and allowance of the pending claims.

**II. Status of the Claims**

Pending in this application are claims 1-19, of which claims 1, 9, 10, and 19 are independent, and the rest are dependent.

Each of independent claims 1 and 10 includes the elements: (i) receiving at a base transceiver station a signal sent wirelessly from a client station; (ii) selecting one of multiple base station controllers to which to route the signal from the base transceiver station, wherein the base station controller is selected based upon a characteristic of the signal; and (iii) routing the signal from the base transceiver station to the selected base station controller.

Each of independent claims 9 and 19 includes the similar elements: (i) receiving at a base transceiver station a first signal sent wirelessly from a client station; (ii) selecting a first one of multiple base station controllers to which to route the first signal from the base transceiver

station, wherein the first base station controller is selected based upon a characteristic of the first signal, and routing the first signal over a packet switched network from the base transceiver station to the first selected base station controller; (iii) receiving at a base transceiver station a second signal sent wirelessly from a client station; and (iv) selecting a second one of multiple base station controllers to which to route the second signal from the base transceiver station, wherein the second base station controller is selected based upon a characteristic of the second signal, and routing the second signal over a packet switched network from the base transceiver station to the second selected base station controller.

### **III. Responses to the Claim Rejections**

The Examiner rejected claims 1, 3-11, and 13-19 under 35 U.S.C. § 103(a) as being allegedly unpatentable over Haller in view of Bull. Under M.P.E.P. § 2143, in order to establish a *prima facie* case of obviousness of a claim over a combination of references, the Examiner must establish that the combination discloses or suggests every element recited in the claim, and the Examiner must show that it would have been obvious to a person of ordinary skill in the art to have combined the references in the manner suggested by the Examiner. Applicants respectfully submit that the Examiner has not met the requisite *prima facie* case of obviousness under M.P.E.P. § 2143 for at least the reasons that it is improper to combine Haller and Bull, and that even if the two references were combined in the manner suggested by the Examiner, the combination of Haller and Bull fails to disclose or suggest all of the claim elements.

In setting forth the obviousness rejection, the Examiner admitted that Haller "does not disclose [a] base station controller [being] selected based upon a characteristic of the signal." Office Action, p. 2-3. To make up for the deficiency in Haller, the Examiner asserted that Bull "teaches a mobile station originate a (3GPP 24.008, 9.2.9) call to a base station, the base station

forwards the (3GPP 24.008, 9.2.9) call to the BSC based upon the mobile originating (3GPP 24.008, 9.2.9) call information (paragraph 0183 lines 1-8).” Office Action, p. 3. The Examiner further asserted that:

it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Haller et al. with the base station controller is selected based upon a characteristic of the signal in order for the base station to rout[e] the originated call from the mobile station based upon the call service needed, which save resources and bandwidth from other BSCs by not routing the call through the other BSCs, as taught by Bull et al.

Office Action, p. 3. Applicants respectfully submit that Haller is directed to solving completely different problems than Bull, and the combination suggested by the Examiner is improper. In addition, Applicants further submit that Bull does not teach or disclose a base station controller being selected based upon a characteristic of a signal, and therefore Bull fails to make up for the deficiency in Haller.

#### **A. Combining Haller with Bull Is Improper**

Under section 103, the teaching of references can be combined only if there is some suggestion or incentive to do so. It is not enough that the references could be combined in the manner suggested by the Examiner, the prior art must also suggest the desirability (and thus the obviousness) of the combination. M.P.E.P. § 2143.01. Thus, the Examiner can only meet the burden of establishing a *prima facie* case of obviousness by showing some objective teaching in the prior art, or in the knowledge generally available to one of ordinary skill in the art, that would lead that individual to combine the relevant teachings of the references. Applicants respectfully submit that the Examiner has not met the requisite *prima facie* case of obviousness under M.P.E.P. § 2143, for at least the reasons set forth below.

It is improper to combine Haller with Bull for at least the reason that there is a lack of teaching or suggestion to combine those references, either in the references themselves or in the

knowledge generally available to one of skill in the art. Haller is directed to solving completely different problems than Bull. According to Haller, Haller is directed to a method of "allowing a plurality of resource[] allocators to allocate resources." Haller, ¶ 0005. Haller teaches that a resource allocator is designed "to balance [a] load across [multiple] resources in order to reduce or eliminate performance bottlenecks when other resources are available to handle the workload." *Id.* ¶ 0001. As stated by Haller, Haller achieves its method of resource allocation by directing resource allocators (such as base transceiver stations, for example) to allocate resources (such as base station controllers, for example) "based upon availability notifications from a plurality of resources." Haller, ¶ 0005, lines 4-7. The availability of a resource is based upon a characteristic of the resource itself, such as resource occupancy, for example. *See, e.g., id.* ¶ 0005, lines 7-10.

Bull, in contrast, is directed to improvements in locating a wireless device in a telecommunications network. *See, e.g., ¶ [0024].* In particular, Bull discloses methods that locate a wireless device by monitoring a set of signaling links in a wireless communications system. *See, e.g., id.* For example, as disclosed by Bull, a wireless device may be identified and located based on a number called by the wireless device, ¶ [0026], based on a wireless device's presence or historical presence in a defined geographic area, ¶¶ [0029-30], or based on a wireless device's proximity to another mobile device, ¶ [0031]. Applicants thus respectfully submit that Bull is not directed to solving problems regarding allocating network resources, like Haller, but to problems in locating a wireless device in a telecommunications network.

For at least the reasons set forth above, there is no motivation, teaching, or suggestion in either Haller or Bull to combine these references. Moreover, the Examiner provides no objective evidence to suggest such a combination. Without Bull, as acknowledged by the Examiner,

Haller fails to disclose a base station controller that is selected based upon a characteristic of a signal, as recited in Applicants' pending independent claims 1, 9, 10, and 19. Applicants therefore submit that independent claims 1, 9, 10, and 19 are allowable for at least the reasons set forth above in this section.

**B. The Combination of Haller and Bull Still Fails to Teach an Element of Applicants' Independent Claims**

Furthermore, Applicants respectfully submit that even if Haller and Bull were to be combined, Bull does not make up for the deficiency in Haller. Specifically, Bull does not teach selecting one of multiple base station controllers to which to route a signal from a base transceiver station, wherein the base station controller is selected based upon a characteristic of the signal, as recited in Applicants' independent claims 1, 9, 10, and 19. Rather, paragraph [0183] of Bull, cited by the Examiner, discloses no more than a call establishment procedure that includes a mobile device sending a CM SERVICE REQUEST message to a BTS, which forwards the message to a BSC, which in turn forwards the message to a MSC.

Generally, Bull discloses methods that locate a wireless device by monitoring a set of signaling links in a wireless communications system. Bull, ¶ [0024]. One example of signaling monitored by the system of Bull is mobile origination between a mobile device and a wireless network. *Id.* ¶ [0180-87]. According to Bull, "Mobile Origination is the act of a mobile device placing a call to the wireless network to begin a conversation or data session." *Id.* ¶ [0181]. Mobile origination, according to Bull, is "detectable over the radio interface via a radio network monitor (RNM) and by the Link Monitor System" ("LMS"). *Id.* Thus, in the system of Bull, "[u]sing the LMS, the Mobile Origination may be followed to the traffic channel. Once the mobile [device] is on the traffic channel, the LMS provides the frequency for subsequent location estimates." *Id.* ¶ [0182].

Thus, in Bull, mobile origination is one way of determining the location of a mobile device. *See, e.g.*, Bull ¶ [0024]. In particular, in the disclosure of Bull, the LMS “may be set to trigger on call connection events or radio interface events,” which “may comprise a single message or a series of messages, each related to the call connection or radio event.” *Id.* ¶¶ [0092-93]. Therefore, ¶ [0183] of Bull, cited by the Examiner, only describes a “call connection event” or “radio interface event” that can “trigger” the LMS, as described in ¶¶ [0092-93; 0095] of Bull. As disclosed by Bull, by triggering the LMS, the location of a mobile device can be determined. *See, e.g., id.* ¶ [0182].

As such, Bull does not teach or disclose selecting one of multiple base station controllers to which to route a signal from a base transceiver station, wherein the base station controller is selected based upon a characteristic of the signal. Paragraph [0183] cited by the Examiner discloses no more than a call establishment procedure that includes a mobile device sending a CM SERVICE REQUEST message to a BTS, which forwards the message to a BSC, which in turn forwards the message to a MSC.

Thus, even if Bull were to be combined with Haller, Bull would not make up for the deficiencies of Haller. The combination of Haller and Bull fails to teach or disclose each and every element of Applicants’ pending independent claims 1, 9, 10, and 19, and the Examiner has failed to set forth a *prime facie* case of obviousness for these claims. Applicants therefore submit that independent claims 1, 9, 10, and 19 are allowable for at least the reasons set forth above in this section.

### C. Dependent Claims

Without addressing the merits of the Examiner’s statements regarding the pending dependent claims 2-8 and 11-18, which are not conceded, Applicants point out that these claims

depend from and include all of the limitations of independent claims 1 and 10. Therefore, Applicants' dependent claims distinguish the cited references for the same reasons discussed above with regard to independent claims 1 and 10. Applicants respectfully request that the Examiner withdraw the rejections of the pending dependent claims.

**CONCLUSION**

In view of the foregoing, Applicants submit that all of the pending claims are in condition for allowance. Therefore, Applicants respectfully request favorable reconsideration and allowance of all of the claims. If the Examiner would like to discuss any aspect of this case, the Examiner is invited to telephone the undersigned at 312-913-0001.

Respectfully submitted,

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